

Attorney Docket No.: **IRF-0041**
Inventors: **David M. Thomas**
Serial No.: **10/536,534**
Filing Date: **June 27, 2005**
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REMARKS

Claims 1-7 are pending in the instant application. Claims 4-6 have been withdrawn from consideration by the Examiner. Claims 1-3 and 7 have been rejected. Claims 1 and 4 have been amended. Support for these amendments is provided in the specification at page 7, lines 24-27. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Finality of Restriction Requirement

The Examiner has made final the Restriction Requirement set forth in the Office Action mailed April 3, 2007. Specifically, the Examiner suggests that the article claims require a thin layer of metal while the method claims do not refer to formation of a layer. Thus, the Examiner suggests that the claims for not share a special technical feature.

However, the Examiner has advised that rejoinder of the method claims would be considered upon indication of allowance of the article claims if the method claims are commensurate in scope with the structure of the article.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicant has amended claims 1 and 4 to recite in both the article and method claims that the reducible organo-metallic complex is added in an amount sufficient to form at least a monolayer of metal on all free

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surfaces of the composite. Support for this amendment is provided in the specification at page 7, lines 24-27. The method claims, as amended, are clearly commensurate in scope with the structure of the amended article claim and rejoinder is requested.

II. Rejection of Claims 1-3 and 7 under 35 U.S.C. 112, second paragraph

Claims 1-3 and 7 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner suggests that the term thin in the phrase "thin layer" is indefinite.

As discussed in Section I, supra, claim 1 has been amended resulting in removal of this phrase.

Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims under 35 U.S.C. 102(b) and 103(a)

Claims 1-3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Gamble (U.S. Patent 3,702,592). Claim 7 has also been rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Gamble (U.S. Patent 3,702,592).

The Examiner suggests that Gamble teaches a material which can comprise a (an organo-metallic complex) molybdenum

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hexacarbonyl with a binder added comprising phenol-formaldehyde resin and heat transfer material, graphite. Further, the Examiner suggests that the composite of Gamble is covered by outer walls that are fabricated from cold-rolled steel and an inner housing of anodized aluminum which constitute a thin layer of metallic material. The Examiner suggests that either the composition of Gamble was capable of functioning as a fuel separator or it would have been obvious to one of ordinary skill in the art to use the composition of Gamble in a fuel cell because it would exploit known characteristics of resistance to heat and electrical conductivity commonly associated with carbon composites.

Applicant respectfully traverses these rejections.

Teachings of Gamble relate to a fire retardant container and are in no way suggestive of a composition of molybdenum hexacarbonyl, phenol-formaldehyde resin and graphite exhibiting electrical conductivity.

Further, claims of the instant application have been amended in accordance with teachings at page 7 of the instant application to state that the composite comprises a reducible organo-metallic complex dispersed or dissolved in a mixture of binder and carbon, said reducible organo-metallic complex being added in an amount sufficient to form

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at least a monolayer of metal on all free surfaces of the composite.

Gamble does not teach or suggest dispersion or dissolution of an organo-metallic complex in a mixture of binder and carbon in an amount sufficient to form at least a monolayer of metal on all free surfaces of the composite.

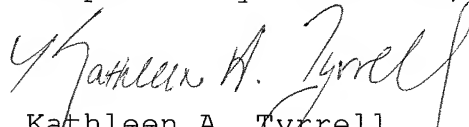
Accordingly teachings of Gamble can neither anticipate (see MPEP 2131) nor render obvious (see MPEP 2143) the invention as claimed.

Withdrawal of these rejections under 35 U.S.C. 102(b) and 103(a) is therefore respectfully requested.

IV. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

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Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

856-810-1515